

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: D. Baldwin, et al. EXAMINER: K. Thornton  
Serial No.: 08/934,570 Group: 1744  
Filed: August 24, 1992 Patent No.: 5,334,356  
Issued: August 2, 1994  
For: SUPERMICROCELLULAR FOAMED MATERIALS

**RESUBMISSION OF ASSENT BY ASSIGNEE FOR FILING REISSUE APPLICATION**

This is part of the application for a reissue patent filed herewith based on the original patent identified as follows:

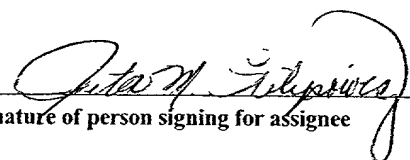
D. Baldwin, et al.  
Name of Patentee

5,334,356  
Patent Number

August 2, 1994  
Date Patent Issued

SUPERMICROCELLULAR FOAMED MATERIALS  
Title of Invention

I, Rita Filipowicz, hereby certify that I presently possess the authority to act on behalf of the Massachusetts Institute of Technology by virtue of my title as Patent Administrator of the Technology Licensing Office of the Massachusetts Institute of Technology. In accordance with such authority, and by my signature below, I reiterate the assent of the Massachusetts Institute of Technology, which possessed an undivided interest in U.S. Patent No. 5,334,356 on January 6, 1997, to the application for reissue of that patent, such application having originally been filed on January 8, 1997.

  
Signature of person signing for assignee

Date: 8/21/01



SECRET



DOCKET NO. 40535

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

☒ In re application of\*: Sung W. Cha et al.  
 Serial No.: 0 7 / 682,116 Group No.  
 Filed: April 5, 1991 Examiner:  
 For\*: SUPERMICROCELLULAR FOAMED MATERIALS

☐ Patent:

Issued:

APPLICATION DIVISION

\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where recordal is with respect to a maintenance fee payment also insert application serial number and filing date and add Box M. Fee to address.

Commissioner of Patents and Trademarks  
 Washington, D.C. 20231

## RECORDAL OF ASSIGNMENT (37 CFR 1.331)

- Kindly record the enclosed assignment for the above identified
  - ☒ application
  - ☐ patent
- When recordal has been effected, please return the original assignment document to the undersigned.
- Fee Payment (37 CFR 1.21(h))
  - ☒ Attached is a check in the sum of \$8.00.
  - ☐ Charge Account No. \_\_\_\_\_ the sum of \$8.00. A duplicate of this recordal request is attached.

NOTE: 37 CFR 1.21(h). For recording each assignment, agreement or other paper relating to the property in a patent or application, per property, \$8.00.

Tel. No. (617) 523-3400

Reg. No. 19,817

SIGNATURE OF ATTORNEY

Robert F. O'Connell

Type or print name of attorney

Dike, Bronstein, Roberts &amp; Cushman

P.O. Address

130 Water Street, Boston, MA 02109

## CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Janine Michalski

(Type or print name of person mailing paper)

Date May 30, 1991

(Signature of person mailing paper)

OAC MC 06/07/91 07682116

(Recordal of Assignment [16-5])

REEL 5738 FRAME 966

93202735

We Sung W. Cha of Cambridge, MA,  
Nam P. Suh of Sudbury, MA, Daniel F. Baldwin of Medford, MA,  
 and Chul B. Park of Cambridge, MA,  
 for good and valuable consideration from Massachusetts Institute of  
Technology, a Massachusetts corporation,  
 having its principal place of business in Cambridge, MA,  
 hereinafter called the Assignee, receipt of which is hereby acknowledged, do hereby  
 sell, assign and transfer unto the Assignee, its successors and assigns, the entire  
 right, title and interest in, to and under an application for Letters Patent of the  
 United States Serial No. \_\_\_\_\_ \* signed by us Serial No. 07/682, 116, Filed April 5, 1991  
 for Improvements in SUPERMICROCELLULAR FOAMED MATERIALS

Including all priority rights ensuing therefrom, and the inventions and any of them  
 therein set forth and described, and any and all Letters Patent of the United States  
 and of countries foreign thereto which may be granted thereon or therefor, together  
 with the right to apply for such Letters Patent.

And for the above consideration we agree promptly upon request of the Assignee,  
 its successors or assigns, to execute and deliver without further compensation any  
 power of attorney, assignment, application, whether original, divisional, continuation  
 or reissue, or other papers which may be necessary or desirable fully to secure to the  
 Assignee, its successors and assigns, the inventions and any of them described in said  
 application and all patent rights therein, in the United States and in any country  
 foreign thereto.

IN WITNESS WHEREOF, I, Sung W. Cha, hereunto set my  
 hand and seal this May 20 1991 day of \_\_\_\_\_, 19 91 I, Nam P. Suh  
 \_\_\_\_\_, hereunto set my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_  
 19 91 I, Daniel F. Baldwin, hereunto set my hand and seal  
 this \_\_\_\_\_ day of \_\_\_\_\_, 1991, and I, Chul B. Park,  
 hereunto set my hand and seal this 20th day of May, 1991.

Sung W. Cha  
Nam P. Suh  
Daniel F. Baldwin  
Chul B. Park

40082204-022200

REISSUE APPLICATION DECLARATION  
BY INVENTORS

As one of the below named inventors, I hereby declare that: My residence, post office address and citizenship are as stated below my name; I believe I am an original, and joint inventor of the subject matter which is described and claimed in Letters Patent Number 5,334,356 granted on August 2, 1994 and in the specification attached hereto, entitled SUPERMICROCELLULAR FOAMED MATERIALS and for which invention we solicit a reissue patent.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations § 1.56.

STATEMENT OF INOPERATIVENESS OF ORIGINAL PATENT  
37 CFR 1.175

I hereby aver that I believe the original patent to be wholly or partly inoperative or invalid by reason of my claiming less than I had a right to claim in the patent. The errors which are recited herein occurred without any deceptive intent.

All errors being corrected in this reissue application up to the time of filing of this declaration arose without any deceptive intent.

The particular insufficiencies in the claims result because they are not as broad as I believe I am entitled to due to the inclusion of certain limitations related to means for processing of the material such as "means for engaging and transporting said shaped continuous heated material" and "foam heating means for heating said material".

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

**Inventor's signature**

Full name of first or joint inventor: Daniel F. Baldwin  
Citizenship: United States  
Residence: 1044 Longwood Drive  
Woodstock, GA 30189  
Post Office Address: 1044 Longwood Drive  
Woodstock, GA 30189

**Date**

Jun 08 / 01

Date

**Inventor's signature**

Full name of second or joint inventor:

Citizenship:

Residence:

Sung W. Cha

~~Canada~~ USA

Kyungki-Do

Koyang-Si Ilsan-Ku

Juyup-Dong 128

Moonchon 1803-101

SOUTH KOREA, 411-372

Post Office Address:

Kyungki-Do

Koyang-Si Ilsan-Ku

Juyup-Dong 128

Moonchon 1803-101

SOUTH KOREA, 411-372

**Inventor's signature**

Full name of third or joint inventor:

Citizenship:

Residence:

Chul B. Park

Canada

95 Prince Arthur Ave., #521

Toronto, Ontario M5R 3P6

CANADA

Post Office Address:

95 Prince Arthur Ave., #521

Toronto, Ontario M5R 3P6

CANADA

Date

**Inventor's signature**

Full name of fourth or joint inventor:

Citizenship:

Residence:

Nam P. Suh

United States

34 Maynard Farm Road

Sudbury, MA 01776

Post Office Address:

34 Maynard Farm Road

Sudbury, MA 01776

Date

REISSUE APPLICATION DECLARATION  
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As one of the below named inventors, I hereby declare that: My residence, post office address and citizenship are as stated below my name; I believe I am an original, and joint inventor of the subject matter which is described and claimed in Letters Patent Number 5,334,356 granted on August 2, 1994 and in the specification attached hereto, entitled SUPERMICROCELLULAR FOAMED MATERIALS and for which invention we solicit a reissue patent.

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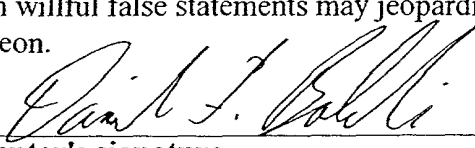
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\_\_\_\_\_  
**Inventor's signature**

  
\_\_\_\_\_  
**Date**

Full name of first or joint inventor:	Daniel F. Baldwin
Citizenship:	United States
Residence:	1044 Longwood Drive Woodstock, GA 30189
Post Office Address:	1044 Longwood Drive Woodstock, GA 30189

---

**Inventor's signature**

---

**Date**

Full name of second or joint inventor:

Sung W. Cha

Citizenship:

Canada

Residence:

Kyungki-Do

Koyang-Si Ilsan-Ku

Juyup-Dong 128

Moonchon 1803-101

SOUTH KOREA, 411-372

Post Office Address:

Kyungki-Do

Koyang-Si Ilsan-Ku

Juyup-Dong 128

Moonchon 1803-101

SOUTH KOREA, 411-372

---

**Inventor's signature**

---

**Date**

Full name of third or joint inventor:

Chul B. Park

Citizenship:

Canada

Residence:

95 Prince Arthur Ave., #521

Toronto, Ontario M5R 3P6

CANADA

Post Office Address:

95 Prince Arthur Ave., #521

Toronto, Ontario M5R 3P6

CANADA

---

**Inventor's signature**

---

**Date**

Full name of fourth or joint inventor:

Nam P. Suh

Citizenship:

United States

Residence:

34 Maynard Farm Road

Sudbury, MA 01776

Post Office Address:

34 Maynard Farm Road

Sudbury, MA 01776



REISSUE APPLICATION DECLARATION  
BY INVENTORS

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**Inventor's signature**

Full name of first or joint inventor: Daniel F. Baldwin  
Citizenship: United States  
Residence: 1044 Longwood Drive  
Woodstock, GA 30189  
Post Office Address: 1044 Longwood Drive  
Woodstock, GA 30189

**Date**

## Date \_\_\_\_\_

Post Office Address:

## Date \_\_\_\_\_

Post Office Address:

Wamp

## Date \_\_\_\_\_

Post Office Address:

Jan 5, 2001  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Baldwin et al.  
Serial No: 08/692,060  
Filed: August 2, 1996  
For: SUPERMICROCELLULAR FOAMED MATERIALS  
Examiner: K. Thornton  
Art Unit: 1744

---

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231-0002 on May 25, 2001.

  
Donna M. Tomaso

Assistant Commissioner for Patents  
Box: AF  
Washington, D.C. 20231-0002

Sir:

**DECLARATION OF FACTS OF GEORGE W. NEUNER  
IN SUPPORT OF THE PETITION UNDER 37 C.F.R. §1.47(a)**

I, George W. Neuner, declare as follows:

1. I am attorney of record in the above-identified application and a partner of Edwards & Angell, LLP, 101 Federal Street, Boston, MA 02110. I represent the Massachusetts Institute of Technology, the assignee and owner of the above application.
2. This application is licensed to Trexel, Inc.
3. Timothy J. Oyer, Esq., who represents Trexel, Inc., has assisted me in connection with this application. As such, he coordinated obtaining signatures of the inventors on the new reissue declaration required by the examiner (Exhibit 1).

5. Mr. Oyer provided me with a copy of the new reissue declaration. I reviewed my files but did not have the telephone number for Professor Park. After obtaining that information from Mr. Oyer, I had a telephone conference with Professor Park on February 23, 2000. He told me that he had some questions about the reissue application, that he had discussed the matter with a technology licensing officer (M. Sarca) at the University of Toronto, where he is presently employed, and with a Canadian attorney (T. Lowman). Professor Park said that he had a meeting scheduled with Mr. Lowman and would like copies of the communications with the USPTO for the reissue application so that he could discuss the matter with his attorney. He further asked me to speak to Mr. Sarca and Mr. Lowman.

6. After completing the discussion with Professor Park, I forwarded to him copies of the communications with the USPTO during the reissue examination, as he requested (see copy of my cover letter attached as Exhibit 2). I also called Mr. Sarca and explained that we were requesting Professor Park to execute a new reissue declaration as requested by the U.S. patent examiner. I also called Mr. Lowman and told him that I had spoken with Professor Park, was informed of his representation by counsel, and had sent copies of the communications to Professor Park as he requested so that he could discuss them with his attorney. I asked Mr. Lowman to call me after his meeting with Professor Park so that we could resolve any issues.

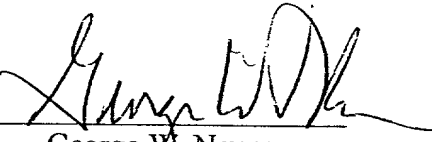
7. Mr. Lowman did not call me. After a couple weeks, I placed calls to Mr. Lowman to determine the status of Professor Park's signing of the reissue declaration. After

many calls, around the end of April, I reached Mr. Lowman and he informed me that he had not yet met with Professor Park. He said he would call Professor Park. I again asked him to call me and let me know the status of this matter. Again, Mr. Lowman has not called.

8. Based on the above facts, I have concluded that professor Park continues to refuse to sign the reissue declaration. I also have concluded that alternative action must be taken to protect the rights of the Massachusetts Institute of Technology and its licensee in this application.

9. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Codes, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 25 May '01

By:   
George W. Neuner  
(Reg. No. 26,964)

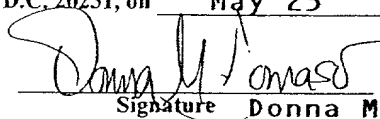
Dike, Bronstein, Roberts & Cushman  
Intellectual Property Practice Group  
EDWARDS & ANGELL, LLP  
P.O. Box 9169  
Boston, MA 02209  
(617) 439-4444  
314287

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Baldwin et al.  
Serial No. : 08/692,060  
Filing Date : August 2, 1996  
For : SUPERMICROCELLULAR FOAMED MATERIALS

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached addressed to Commissioner for Patents, Washington, D.C. 20231, on May 25, 2001.



Signature Donna M. Tomaso

Commissioner for Patents  
Washington, D. C. 20231

DECLARATION OF FACTS OF KELVIN T. OKAMOTO  
IN SUPPORT OF THE PETITION UNDER 37 C.F.R. §1.47(a)

Dear Sir:

I, Dr. Kelvin T. Okamoto, declare as follows:

1. I am employed by Trexel, Inc., a Massachusetts corporation having a place of business at 45 Sixth Road, Woburn, MA 01801, as the Director of Intellectual Property. In this capacity, I coordinate patent matters for Trexel, Inc.

2. Chul B. Park (Dr. Park) has refused to join in the above-identified patent application, i.e., has refused to sign the Reissue Application Declaration (Declaration). I base this conclusion on the following facts.

3. On or around January 5, 2001, I left a voice mail message with Dr. Park regarding his signing the Declaration. Dr. Park did not respond to my voice mail message and to my knowledge did not sign the Declaration. On or around April 10, 2001, I spoke with Dr. Park who indicated that he had received the Declaration but that he did not intend to sign the Declaration.

4. On the basis of the above facts, I conclude not only that Dr. Park has expressly orally refused to join in the above-identified application, but that his accompanying conduct, based on facts set forth above in conjunction with facts set forth in an accompanying Declaration of Facts by Timothy J. Oyer, Esq. filed on even date herewith in this application, constitutes a

refusal to join in this application.

5. Accordingly, it is requested the accompanying Petition under 37 C.F.R. §1.47(a) be accepted and that the application be considered duly filed without the signature of Dr. Park as he has indicated by his act and deed his refusal to sign the Declaration in connection with this application.

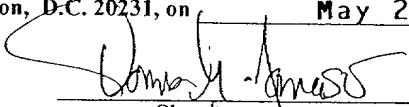
I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent which may issue thereon.

Executed on May 2, 1, 2001.

K. T. Okamoto  
Dr. Kelvin T. Okamoto

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Baldwin et al.  
Serial No. : 08/692,060  
Filing Date : August 2, 1996  
For : SUPERMICROCELLULAR FOAMED MATERIALS

<p align="center"><b>CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)</b></p> <p>The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached addressed to Commissioner for Patents, Washington, D.C. 20231, on <u>May 25</u>, 2001.</p> <p align="right"> Signature <u>Donna M. Tomaso</u></p>
--

Commissioner for Patents  
Washington, D. C. 20231

**DECLARATION OF FACTS OF TIMOTHY J. OYER  
IN SUPPORT OF THE PETITION UNDER 37 C.F.R. §1.47(a)**

Dear Sir:

I, Timothy J. Oyer Esq., declare as follows:

1. I am a partner of Wolf, Greenfield and Sacks, P.C., 600 Atlantic Avenue, Boston, MA 02210. I am a counsel of record in the above-identified application. Wolf, Greenfield and Sacks, P.C. represents Trexel, Inc., the exclusive licensee of the above-identified patent application, in intellectual property matters including patent prosecution matters. I supervise the representation of Trexel, Inc. and have coordinated obtaining signatures on Declarations for Patent Application in the above-identified application per agreement between MIT, the assignee of this application, and licensee Trexel, Inc.

2. Chul B. Park (Dr. Park) has refused to join in the above-identified patent application, i.e., has refused to sign the Reissue Application Declaration (Declaration). I base this conclusion on the following facts.

3. On December 28, 2000, I sent the Declaration documents, along with the claims as presently pending, in the above-identified patent application to Dr. Park at the University of Toronto, 5 Kings College Road, Toronto, Ontario M5S3G8 Canada, along with a letter asking Dr. Park to sign and return the Declaration to us by January 12, 2001. Dr. Park already had a



copy of the specification of the above-identified application by virtue of the specification being identical to that of issued U.S. pat. no. 5,334,356, naming Dr. Park as an inventor, which the above-identified application seeks to re-issue.

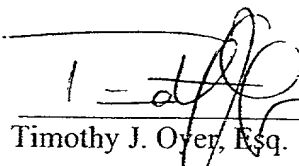
4. Between about January 1, 2001 and February 15, 2001, I received at least two voice mail messages from Dr. Park regarding the Declaration, left at least two voice mail messages for Dr. Park regarding the Declaration, and spoke on the phone with Dr. Park at least one time regarding the Declaration. In one or more of the communications, Dr. Park indicated that he had received the Declaration, and had read the specification (identical to issued U.S. pat. no. 5,334,356, which the above-identified application seeks to re-issue). At no time during any of the communications did Dr. Park indicate that he would sign and return the Declaration.

5. On the basis of the above facts, in conjunction with the facts set forth in an accompanying Declaration of Facts by Dr. Kelvin Okamoto filed on even date herewith in this application, I conclude that the conduct of Dr. Park constitutes a refusal to join in this Declaration.

6. Accordingly, it is requested that the accompanying Petition under 37 C.F.R. §1.47(a) be accepted and that the application be considered duly filed without the signature of Dr. Park as he has indicated by his act and deed his refusal to sign the Declaration in connection with this application.

I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent which may issue thereon.

Executed on MAY 21, 2001.

  
Timothy J. Oyer, Esq.

**Associate Power Of Attorney Or Agent (37 CFR 1.34)  
(For Representation Related To A Patent Application)**

Docket No.  
**70257/40535RE**

In Re Application Of: **BALDWIN, ET AL.**

Serial No.  
**08/692,060**

Filing Date  
**AUGUST 2, 1996**

Examiner  
**K. THORNTON**

Group Art Unit  
**1744**

Invention: **SUPERMICROCELLULAR FOAMED MATERIALS**

**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

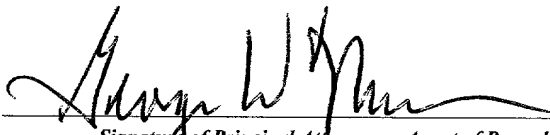
Please recognize the following as ☒ Associate Attorney ☐ Associate Agent in this application.

Name: **RICHARD J. ROOS, ESQ.**

Reg. No.: **45,053**

Address: **DIKE, BRONSTEIN, ROBERTS & CUSHMAN,  
INTELLECTUAL PROPERTY PRACTICE GROUP  
OF EDWARDS & ANGELL, LLP  
P.O. BOX 9169  
BOSTON, MASSACHUSETTS 02209**


Tel. No. **617-439-4444**

  
*Signature of Principal Attorney or Agent of Record*

**GEORGE W. NEUNER, ESQ., REG. NO.: 26,964  
DIKE, BRONSTEIN, ROBERTS & CUSHMAN  
INTELLECTUAL PROPERTY PRACTICE GROUP  
EDWARDS & ANGELL, LLP  
P.O. BOX 9169  
BOSTON, MASSACHUSETTS 02209  
TEL.: 617-439-4444 FAX: 617-439-4170**

*Registration Number & Address of Principal Attorney or Agent of Record*

Dated: **FEBRUARY 21, 2002**

I certify that this document is being deposited on  
 with the U.S. Postal Service as first  
class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.



*Signature of Person Mailing Correspondence*

**DONNA R. DAVIS**

*Typed or Printed Name of Person Mailing Correspondence*